

at most, that the ROM area have two or more identifiers. The claims of the invention require the software identifier data be located in the recordable area of the disc.

Oshima does not and cannot show such a limitation. In Oshima the identified software information is located in the ROM of the disc. In fact, the Oshima reference has no recordable area because it is only a ROM type disc. The copy protecting functions of Oshima are provided only in ROM areas. Nothing in Oshima suggests using ROM located protection features to provide a copy protection feature in RAM. Indeed, it is a feature of the Oshima reference that its software ID cannot be erased. That is contrary to the basic nature of the software identifier of the invention.

The rejection also admits that Yamagishi/Spitzenberger, even if combined, do not disclose unique and separate DIDs and SIDs, in particular ones where the SID is unique for each of a plurality of discs with the same DID. Oshima fails to show or suggest different SIDs for discs with the same DID.

In fact, the Oshima reference is contrary to the invention. In Oshima, the DID is unique for each disc and the software information is common for each software. It is clear that Oshima has a different disc ID for each disc based on the following portions of the Oshima specification:

In this patent specification, laser trimming is also referred to as laser marking, while a nonreflective optical marking portion is simply referred to as the marking or optical marking or, sometimes, as the physical ID unique to the disk. (1) FIG. 1 is a flowchart illustrating a general process flow from disk manufacturing to the completion of an optical disk. (Column 7, lines 4-10.)

As shown in FIG. 35, in process (2), the software maker may produce a disk 844b on which the ID number unique to the disk and a private key used for secret communication with a user are recorded. The disk 844c, 844d can be reproduced without requiring any special procedure. (Column 31, lines 59-63.)

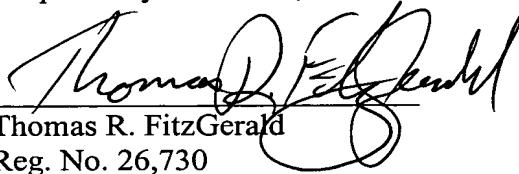
The software identifier relied upon by the rejection is sparsely discussed in Oshima. It appears that the software identifier and the software information are the same. In that case, the software identifier is the same for all copies of the software. Oshima states as follows:

As shown in FIG. 32, software feature extracting means 864 extracts the software parameters unique to the software, such as the TOC information showing the time organization of each chapter of the video software, image compression parameters, the title name, etc. from the contents of the software, and compresses the extracted information to 128 bits to 256 bits by the computation of a checksum, the computation of a Galois field, etc., and a one-direction hash function 864a such as SHA and MD5, to create software feature information 863. The software feature information 863 is then combined with a sub public key 861 special to the software maker and an anti-piracy identifier 865 as a copyright identifier, into one data block which is then encrypted in steps 866a and 866b using a master secret key for public key encryption and is recorded on a master disk 867 in step 866e, along with the software proper.
(Col. 23. lines 52-67.)

It is also improper to select the DID and SID features from Oshima out of context of their disclosure. Oshima's copy protection system is fundamentally based on public and private key systems. The key has to be in the user's machine. That is an essential teaching of Oshima and there is no disclosure of using DIDs and SIDs without a key. In contrast, the claimed invention does not rely upon a key.

In summary, the claims are patentable over the art of record for the reasons given above. A notice of allowance is respectfully requested.

Respectfully submitted,


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